1941. **File No.** Arms II/41

K

Legal **DEPARTMENT**

B **BRANCH**

Subject:—

Rules and Notifications under the Indian Arms Act,

File No. Arms II/41

Std. Sectt. Slip 24 B e.

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L.D.R.I.No.6946/ 5-8-41.

H.D.Poll. u.r.No.1820-Poll dated 5-8-41 re-restrictions of the provisions of the Indian Arms Act, 1878, in respect of carrying and possession of daggers, bayonets and kukris, within the municipal limits of Ahmedabad.

Submitted.

2. The proposal made by the D.S.P. and endorsed by the D.M.,Ahmedabad, that licenses should be necessary for possessing and going armed with daggers, bayonets and kukris within the limits of the municipal borough of Ahmedabad, has been approved by Govt. (vide H.D.notes on pp.9-10 ante). It is therefore proposed to amend G.N.M,H.D.(Poll.) No.1234-Poll dated the 20-7-25/ 3-8-25, by inserting new entry 4A as shown on p.9 ante. The R.L.A. is requested to state whether this entry is in order.

3. Under Entry 1 in Schedule II appended to the Indian Arms Rules, 1924, the power to retain all or any of the prohibitions and directions contained in the Indian Arms Act, 1878, in respect of any arms, in the case of any class of persons or of any specified area, has, after the advent of the Constitution Act, been vested in the Central Govt. Under G. of India H.D. notification No.21/50/37 dated the 20th June 1938, however, the functions of the Central Govt. under the said entry 1 in Sch.II to the said Arms Rules, have been entrusted to the Provincial Govts. The status quo having been thus maintained, the Provincial Govt. is competent to amend G.N.,H.D.(Poll.) No.1234(Poll.), dated the 20-7-25/3-8-25, as proposed by the H.D.(Poll.). The proposal of the H.D. is therefore legally in order. A draft notification for this purpose is sent herewith.

Sd.S.W.Dhurandhar.
9/11-8-41 S.S.

P.T.O.

4. If it is approved by the D.S.,
reply may be:

The requisite draft notification (embodying the new entries proposed by the Home Department (Poll.)) is sent herewith. Corr... date of the notification of 1925 should be inserted in the draft notificatio... before it is issued.

Id. B.D.P.
12-8-41

D.S. Id. H.K.C.
13/8

U.O.R. to H.D.(Poll.) No.7231, dated 16-8-41.

MRP.
24-4-56.

NOTIFICATION.

Home Department (Political)

Bombay Castle, August 1941.

The Indian Arms Rules, 1924.

No. .- In exercise of the functions of the Central Government under entry 1 in the Table in Schedule II to the Indian Arms Rules, 1924, entrusted to the Government of Bombay by the Government of India, Home Department Notification (Police) No.21/50/37, dated the 20th June 1938, the Government of Bombay is pleased to amend Government Notification in the Home Department (Political) No.1234-Poll. dated 20th July / 3rd August 1925, as follows, namely:-

In the Table appended to the said notification after entries relating to serial No.4 the following new entries shall be inserted, namely:-

4A	Limits of the Municipal Borough of Ahmedabad.	Daggers, bayonets and kukris.	All	Those contained in section 13 and 15.

By order of the Governor of Bombay,

Secretary to Government.

MRP.
24/4/56.

R.L.A's Office.

R.I.No.9157/26-9-1941.

U.R. from H.D.(Poll.), No.3293-Poll, dated the 26th September 1941, re: Scrutiny of a draft notification under the Indian Arms Rules, 1924, Sch. II - Entry 2(viii).

Submitted with pp.

Id.
29-9

S.S.

2. By G.N. H.D.(Political) No.1641-Poll, dated the 11th July 1940, the Government of Bombay, in exercise of the functions of the Central Government under entry 2(viii) in the Table to Schedule II to the Indian Arms Rules, 1924, entrusted to them by Government of India, H.D., Notification (Police) No.21/50/37, dated the 20th June 1938, have prescribed the conditions, the possession or sale of chlorates in accordance with which by bona-fide medical practitioners and dispensing chemists in the Province of Bombay, shall be excluded from the operation of prohibitions and directions contained in sections 5 and 14 of the Indian Arms Act, 1878. Now, H.D. proposes (pp.76 and 89) to insert in consultation with the Surgeon General (p.83) a new clause (ii)(a) in condition 1 in the said H.D. Notification No. 1641-Poll, dated 11.7.1940, so as to allow Medical Practioner, in charge of Govt. of L.B. dispensary to possess

chlorates without a licence upto 4 lbs.
The H.L.A. has been requested to state whether the draft notification on p.81 for this purpose, is in order.

3. Please see rule 4(iii), rule 22(2)(d) and entry 2(viii) in Schedule II, of the Indian Arms Rules, 1924, regarding chlorates (vide H.D.,G.R.Pol.No.676-Poll, dated 10-5-1938). The H.D. was furnished with the draft conditions for the possession and sale of chlorates by bona fide medical practitioners and dispensing chemists in the Province of Bombay, under this office u.r.to H.D. No.4623, dated 13-5-1940 and in para.2 of the said u.r. it was pointed out to the H.D. that entry 2(viii) in Schedule II to the Indian Arms Rules, 1924, had no reference to hospitals or dispensaries and would not cover dispensaries other than those belonging to a bona fide medical practitioner. This position was accepted by H.D. office on p.43 of H.D. file No.M 127/39 of 1939 but it seems from the Secy. H.D's note dated 25.5 on p.43 of the said file, that condition 1 on p.39 of the said file was amended probably in personal consultation with the then H.L.A., so as to provide for hospitals. If so, it will not be open to take any objection on the basis of our previous opinion to the proposed new entry (ii)(a) re. dispensary on p.81, very probably for the reason advanced by U.S. H.D. on p.76, that a medical officer in charge of a Govt. or L.B. hospital, is as much a medical practitioner as any other.

4. If the above view is accpeted, the draft notification on p.81 will be legally in order.

In place

In place of the draft notification on p.81, a revised draft notification is put up for consideration. It is presumed that after the proposed insertion condition 1(i) will relate to a provate medical practitioner in relation to his own private dispensary; condition (ii) will relate to Govt. or L.B. hospital, having beds; condition 1(ii)(a) will relate to Government or L.B. dispensary having no beds.

Sd. B.D.Pandit
2/10/41.
D.S.

Reply:

The draft notification at p. 81 is legally in order.

Id. H.K.C.
10/10.

HRP.
24/4/86.

NOTIFICATION.

Home Department (Political)

Bombay Castle, October 1941.

The Indian Arms Rules, 1924.

No. .- In exercise of the functions of the Central Government under entry 2(viii) in the Table of Schedule II to the Indian Arms Rules, 1924, entrusted to the Government of Bombay by the Government of India, Home Department, Notification (Police) No.21/50/37, dated the 20th June 1938, the Government of Bombay, is pleased to amend Government Notification, Home Department (Political), No.1641-Poll, dated the 11th July 1940, as follows, namely:-

In the said notification, in condition 1 after clause (ii), the following new clause shall be inserted, namely:-

"(ii)(a) When in charge of a dispensary ... ... 4 lbs."

By order of the Governor of Bombay,

Secretary to Government.

MRP.
24/4/56.

R.I.No.2204/42 5-3-42.

Submitted.

2. Attention is invited to para.2 of the R.L.A's No.4623, dated 13th May 1940 on p.37 ante and the H.D.Notification on p.51 ante. This notification was later on amended (vide p.92 ante) to enable bona fide medical practitioners when in charge of a dispensary to possess chlorates not exceeding 4 lbs. in quantity at any time. Attention in this connection is invited to the letter of the Surgeon General on p.97. The point for consideration is whether Government aided hospitals or dispensaries are covered by the orders contained in the two notifications referred to above. The H.D. has held that the expression in condition 1 of the notification on p. 51 ante, "medical practitioners (1) when in charge of a hospital or (2) dispensary" covers all hospitals and dispensaries including Government or Government aided hospitals or dispensaries. The draft letter on p.101 ante explaining this position to the Surgeon General is shown to the R.L.A. before issue.

3. The view taken by the H.D. in their note on p.99 ante is correct. The draft letter on p.101 ante is in order. The papers may be "seen and returned"

Sd.S.W.D.
24/3
S.S. 4. Please see para.3 of office note dated 2.10.1941 on pages 9-11 of R.L.A's file No.Arms II/41 slipped Z below, in which the question raised in para. 2 above has been

considered by the then D.S. (Mr.Chainani).
Subject to A.L.R's approval, reply may
therefore be as at A in para.3 of
Mr. Dhurandhar's note.

Id. B.D.P.
26/3/42

A.L.R.

Id. N.K.D.
27/3.

Office of the R.L.A.

Seen and returned.

Sd. N.K.Dravid,
28/3
For Remembrancer of Legal Affairs.

U.R.to H.D.(Poll.),No.2825, dated the
31st March 1941.

MRP.
24/4/56.